

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

VALERIO KONSTANTINOFF

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

1. NEW YORK POLICE DEPARTMENT
2. CITY OF NEW YORK
3. SAMMY SOSA BADGE #3357

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights

(Non-Prisoner Complaint)

Case No. **24-cv-5050-EK-RML**

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

**Komitee, J
Levy, MJ**

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	VALERIO KONSTANTINOFF
Street Address	2835 OCEAN AVE APT 3F
City and County	BROOKLYN KINGS
State and Zip Code	NEW YORK 11235
Telephone Number	9294538330
E-mail Address	VALKOK86@GMAIL.COM

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	NEW YORK POLICE DEPARTMENT
Job or Title (if known)	
Street Address	1 POLICE PLAZA
City and County	MANHATTAN NEW YORK
State and Zip Code	NEW YORK 10038
Telephone Number	
E-mail Address (if known)	

Defendant No. 2

Name CITY OF NEW YORK
Job or Title
(if known)
Street Address 100 CHURCH ST
City and County MANHATTAN NEW YORK
State and Zip Code NEW YORK 10007
Telephone Number

E-mail Address (if known)

Defendant No. 3

Name SAMMY SOSA
Job or Title NYPD DETECTIVE (DT3) BADGE #3357
(if known)
Street Address 2575 CONEY ISLAND AVE
City and County BROOKLYN KINGS
State and Zip Code NEW YORK 112235
Telephone Number 7186276611
E-mail Address (if known)

Defendant No. 4

Name _____
Job or Title _____
(if known) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known) _____

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☐ State or local officials (a § 1983 claim)
- ☐ Federal officials (a *Bivens* claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

FALSE ARREST

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

THE NYPD PUT OUT A WARRANT FOR MY ARREST AND HAD THE WARRANT SQUAD LOOKING FOR ME WITHOUT PROBABLE CAUSE FOR AN ALLEDGED FELONY LARCENY CASE. I DID NOT COMMITT ANY LARCENY AT ALL.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

IT OCCURED IN A RESTAURANT CALLED ROLL N ROASTER ON 2901 EMMONS AVE BROOKLYN NY 11235.

What date and approximate time did the events giving rise to your claim(s) occur?

B. JULY 12, 2023 CLOSE TO MIDNIGHT

What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

C. THE POLICE REPORT STATED THAT AN INDIVIDUAL WHO I DIDN'T KNOW AND NEVER SAW TOLD THE POLICE HE "BELIEVED" HE FORGOT HIS WALLET AT A TABLE HE WAS EATING. SINCE HE "BELIEVED," IN THAT CASE THE WALLET COULD HAVE BEEN LOST ANYWHERE AT THAT POINT. AS I WAS WAITING FOR MY ORDER I BRIEFLY SAT DOWN AT THE TABLE WHERE THE INDIVIDUAL ALLEGEDLY WAS SITTING EARLIER ALTHOUGH I DID NOT SEE ANYONE SITTING THERE WHEN I ENTERED THE RESTAURANT. I GOT UP EVENTUALLY TO GET MY ORDER AND LEFT THE RESTAURANT. A FEW WEEKS LATER WARRANT SQUAD TRIED BREAKING DOWN MY DOOR WHEN I WASN'T HOME BECAUSE A WARRANT WAS PUT OUT THAT I TOOK THE INDIVIDUALS' WALLET HE FORGOT AT THE TABLE. I NEVER TOOK A WALLET. I TURNED MYSELF IN FOR A FELONY THEFT AND EVENTUALLY GOT THE CASE DIMISSED AND SEALED. I EVENTUALLY RECEIVED DISCOVERY THROUGH A FOIL REQUEST FOR MY CASE MONTHS AFTER THE DISMISSAL ONLY FOR THE FOOTAGE TO SHOW I DID NOTHING EXCEPT SITTING AT THAT TABLE WAITING FOR MY ORDER. THE POLICE STATEMENT STATED THAT THE DECETIVE ASSIGNED TO THE CASE NAMED SAMMY SOSA SAW ME TAKE THE WALLET. THIS WHOLE THING COST ME 30 HOURS OF MY FREEDOM AND \$5000 IN LAWYER FEES.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I HAD TO HIRE AN ATTORNEY AND WOULD LIKE TO RECEIVE A REFUND FOR MY LAWYER FEES WHICH WAS \$5000 AND ALSO SOME COMPENSATION FOR BEING WRONGLY LOCKED UP IN A JAIL FOR 30 HOURS.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: JULY 11, 2024

Signature of Plaintiff

A handwritten signature in black ink, appearing to read 'Valerio Konstantinoff', written over a horizontal line.

Printed Name of Plaintiff VALERIO KONSTANTINOFF